

REMARKS

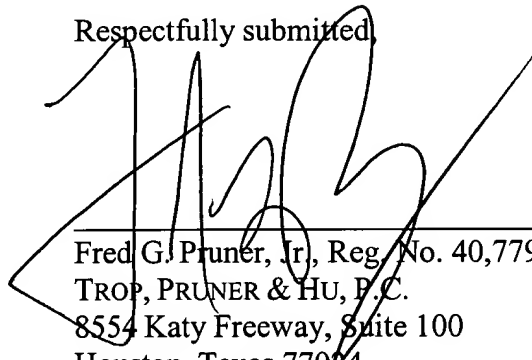
In an Office Action mailed on September 14, 2005, claims 24 and 41 were rejected under 35 U.S.C. § 112, second paragraph; claims 35-37, 40 and 42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tamura in view of Sharman and Dabral; claims 20-23, 25-28 and 43-47 were allowed; and objections were made to claims 38 and 39 as being dependent upon a rejected base claim but were indicated as being allowable if rewritten in independent form. Claims 24 and 41 have been amended to overcome the § 112 rejections. The limitations of claim 38 have been incorporated into independent claim 35. Therefore, for at least the reason that the Examiner indicated that dependent claim 38 was allowable, allowance of claims 35, 37 and 39-42 is requested.

Newly-added independent claim 48 contains limitations from dependent claim 36 which has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Tamura in view of Sharman and Dabral. In the Office Action, the Examiner states that, "the phase detector stores a calibration value indicative of the degree of skew." Office Action, 3. However, the Examiner fails to refer to a phase detector of either Tamura, Dabral or Sharman. Thus, a *prima facie* case of obviousness was not established for claim 36 for at least the reason that the Examiner fails to show in the § 103 rejection of claim 36 where the act of storing is allegedly disclosed in the cited references. Therefore, for at least the reason that the hypothetical combination of references fails to teach or suggest all claim limitations, allowance of newly-added independent claim 48 is requested. Newly-added claims 49-51 are patentable for at least the reason that these claims depend from an allowable claim.

CONCLUSION

In view of the foregoing, withdrawal of the §§ 103 and 112 rejections and a favorable action in the form of a Notice of Allowance are requested. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504 (ITL.0294US).

Respectfully submitted,



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